

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELIZABETH CHAN, *et al.*, :  
: Plaintiffs, :  
: v. : No. 1:23-cv-10365-LJL  
: :  
UNITED STATES DEPARTMENT OF :  
TRANSPORTATION, *et al.*, :  
: Defendants. :  
----- x  
MICHAEL MULGREW, *et al.*, :  
: Plaintiffs, :  
: v. : No. 1:24-cv-01644-LJL  
: :  
UNITED STATES DEPARTMENT OF :  
TRANSPORTATION, *et al.*, :  
: Defendants. :  
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**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law of Defendant Stephanie Winkelhake, P.E., in her official capacity as Chief Engineer of the New York State Department of Transportation, upon the Memorandum of Law of Defendants Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority, and upon all the pleadings and proceedings previously had in the two above-captioned actions, the undersigned will move this Court pursuant to Federal Rule of Civil Procedure 12(b)(6), at the Daniel Patrick Moynihan United States Courthouse, Courtroom 15C, 500 Pearl Street, New York, New York 10007,

at such date and time as the Court may set, for an order dismissing the causes of action for violation of the dormant Commerce Clause and the right to travel in the two above-captioned actions for failure to state a claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that, subject to further orders of the Court, pursuant to Local Rule 6.1(b) plaintiffs in the two actions must serve their papers in opposition or response to this motion within 14 days of service of this motion, and any reply papers must be served within seven days after service of the answering papers.

Dated:        New York, New York  
                 September 30, 2024

Respectfully submitted,

LETITIA JAMES,  
ATTORNEY GENERAL OF THE STATE  
OF NEW YORK

By: /s/ Andrew G. Frank  
Andrew G. Frank  
Assistant Attorney General  
New York State Attorney General's  
Office  
28 Liberty Street  
New York, NY 10005  
Telephone: (212) 416-8271  
E-mail: andrew.frank@ag.ny.gov

*Attorneys for Defendant Stephanie  
Winkelhake, P.E., in her official capacity  
as Chief Engineer of the New York State  
Department of Transportation*